

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

Your Committee on **Veterans Affairs and Public Safety**, to which was referred House Bill 1105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 public safety.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.230-2007,
- 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2008]: Sec. 9. (a) The board shall adopt in accordance with
- 9 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
- 10 The rules, which shall be adopted only after necessary and proper
- 11 investigation and inquiry by the board, shall include the establishment
- 12 of the following:
- 13 (1) Minimum standards of physical, educational, mental, and
- 14 moral fitness which shall govern the acceptance of any person for
- 15 training by any law enforcement training school or academy
- 16 meeting or exceeding the minimum standards established

- 1 pursuant to this chapter.
- 2 (2) Minimum standards for law enforcement training schools
- 3 administered by towns, cities, counties, law enforcement training
- 4 centers, agencies, or departments of the state.
- 5 (3) Minimum standards for courses of study, attendance
- 6 requirements, equipment, and facilities for approved town, city,
- 7 county, and state law enforcement officer, police reserve officer,
- 8 and conservation reserve officer training schools.
- 9 (4) Minimum standards for a course of study on cultural diversity
- 10 awareness that must be required for each person accepted for
- 11 training at a law enforcement training school or academy.
- 12 (5) Minimum qualifications for instructors at approved law
- 13 enforcement training schools.
- 14 (6) Minimum basic training requirements which law enforcement
- 15 officers appointed to probationary terms shall complete before
- 16 being eligible for continued or permanent employment.
- 17 (7) Minimum basic training requirements which law enforcement
- 18 officers appointed on other than a permanent basis shall complete
- 19 in order to be eligible for continued employment or permanent
- 20 appointment.
- 21 (8) Minimum basic training requirements which law enforcement
- 22 officers appointed on a permanent basis shall complete in order
- 23 to be eligible for continued employment.
- 24 (9) Minimum basic training requirements for each person
- 25 accepted for training at a law enforcement training school or
- 26 academy that include six (6) hours of training in interacting with
- 27 persons with mental illness, addictive disorders, mental
- 28 retardation, and developmental disabilities, to be provided by
- 29 persons approved by the secretary of family and social services
- 30 and the board.
- 31 (10) Minimum standards for a course of study on human and
- 32 sexual trafficking that must be required for each person accepted
- 33 for training at a law enforcement training school or academy and
- 34 for inservice training programs for law enforcement officers. The
- 35 course must cover the following topics:
- 36 (A) Examination of the human and sexual trafficking laws (IC
- 37 35-42-3.5).
- 38 (B) Identification of human and sexual trafficking.

- 1 (C) Communicating with traumatized persons.
- 2 (D) Therapeutically appropriate investigative techniques.
- 3 (E) Collaboration with federal law enforcement officials.
- 4 (F) Rights of and protections afforded to victims.
- 5 (G) Providing documentation that satisfies the Declaration of
- 6 Law Enforcement Officer for Victim of Trafficking in Persons
- 7 (Form I-914, Supplement B) requirements established under
- 8 federal law.
- 9 (H) The availability of community resources to assist human
- 10 and sexual trafficking victims.

11 (b) Except as provided in subsection (l), a law enforcement officer
 12 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 13 the laws or ordinances of the state or any political subdivision unless
 14 the officer has, within one (1) year from the date of appointment,
 15 successfully completed the minimum basic training requirements
 16 established under this chapter by the board. If a person fails to
 17 successfully complete the basic training requirements within one (1)
 18 year from the date of employment, the officer may not perform any of
 19 the duties of a law enforcement officer involving control or direction
 20 of members of the public or exercising the power of arrest until the
 21 officer has successfully completed the training requirements. This
 22 subsection does not apply to any law enforcement officer appointed
 23 before July 6, 1972, or after June 30, 1993.

24 (c) Military leave or other authorized leave of absence from law
 25 enforcement duty during the first year of employment after July 6,
 26 1972, shall toll the running of the first year, which shall be calculated
 27 by the aggregate of the time before and after the leave, for the purposes
 28 of this chapter.

29 (d) Except as provided in subsections (e), (l), (q), and (r), a law
 30 enforcement officer appointed to a law enforcement department or
 31 agency after June 30, 1993, may not:

- 32 (1) make an arrest;
- 33 (2) conduct a search or a seizure of a person or property; or
- 34 (3) carry a firearm;

35 unless the law enforcement officer successfully completes, at a board
 36 certified law enforcement academy or at a law enforcement training
 37 center under section 10.5 or 15.2 of this chapter, the basic training
 38 requirements established by the board under this chapter.

1 (e) This subsection does not apply to:

2 (1) a gaming agent employed as a law enforcement officer by the
3 Indiana gaming commission; or

4 (2) an:

5 (A) attorney; or

6 (B) investigator;

7 designated by the securities commissioner as a police officer of
8 the state under IC 23-2-1-15(i).

9 Before a law enforcement officer appointed after June 30, 1993,
10 completes the basic training requirements, the law enforcement officer
11 may exercise the police powers described in subsection (d) if the
12 officer successfully completes the pre-basic course established in
13 subsection (f). Successful completion of the pre-basic course authorizes
14 a law enforcement officer to exercise the police powers described in
15 subsection (d) for one (1) year after the date the law enforcement
16 officer is appointed.

17 (f) The board shall adopt rules under IC 4-22-2 to establish a
18 pre-basic course for the purpose of training:

19 (1) law enforcement officers;

20 (2) police reserve officers (as described in IC 36-8-3-20); and

21 (3) conservation reserve officers (as described in IC 14-9-8-27);

22 regarding the subjects of arrest, search and seizure, the lawful use of
23 force, and the operation of an emergency vehicle. The pre-basic course
24 must be offered on a periodic basis throughout the year at regional sites
25 statewide. The pre-basic course must consist of at least forty (40) hours
26 of course work. The board may prepare the classroom part of the
27 pre-basic course using available technology in conjunction with live
28 instruction. The board shall provide the course material, the instructors,
29 and the facilities at the regional sites throughout the state that are used
30 for the pre-basic course. In addition, the board may certify pre-basic
31 courses that may be conducted by other public or private training
32 entities, including postsecondary educational institutions.

33 (g) The board shall adopt rules under IC 4-22-2 to establish a
34 mandatory inservice training program for police officers. After June 30,
35 1993, a law enforcement officer who has satisfactorily completed basic
36 training and has been appointed to a law enforcement department or
37 agency on either a full-time or part-time basis is not eligible for
38 continued employment unless the officer satisfactorily completes the

1 mandatory inservice training requirements established by rules adopted
2 by the board. Inservice training must include training in interacting
3 with persons with mental illness, addictive disorders, mental
4 retardation, and developmental disabilities, to be provided by persons
5 approved by the secretary of family and social services and the board,
6 and training concerning human and sexual trafficking. The board may
7 approve courses offered by other public or private training entities,
8 including postsecondary educational institutions, as necessary in order
9 to ensure the availability of an adequate number of inservice training
10 programs. The board may waive an officer's inservice training
11 requirements if the board determines that the officer's reason for
12 lacking the required amount of inservice training hours is due to either
13 of the following:

14 (1) An emergency situation.

15 (2) The unavailability of courses.

16 (h) The board shall also adopt rules establishing a town marshal
17 basic training program, subject to the following:

18 (1) The program must require fewer hours of instruction and class
19 attendance and fewer courses of study than are required for the
20 mandated basic training program.

21 (2) Certain parts of the course materials may be studied by a
22 candidate at the candidate's home in order to fulfill requirements
23 of the program.

24 (3) Law enforcement officers successfully completing the
25 requirements of the program are eligible for appointment only in
26 towns employing the town marshal system (IC 36-5-7) and having
27 not more than one (1) marshal and two (2) deputies.

28 (4) The limitation imposed by subdivision (3) does not apply to an
29 officer who has successfully completed the mandated basic
30 training program.

31 (5) The time limitations imposed by subsections (b) and (c) for
32 completing the training are also applicable to the town marshal
33 basic training program.

34 (i) The board shall adopt rules under IC 4-22-2 to establish an
35 executive training program. The executive training program must
36 include training in the following areas:

37 (1) Liability.

38 (2) Media relations.

1 (3) Accounting and administration.

2 (4) Discipline.

3 (5) Department policy making.

4 (6) Lawful use of force.

5 (7) Department programs.

6 (8) Emergency vehicle operation.

7 (9) Cultural diversity.

8 (j) A police chief shall apply for admission to the executive training
9 program within two (2) months of the date the police chief initially
10 takes office. A police chief must successfully complete the executive
11 training program within six (6) months of the date the police chief
12 initially takes office. However, if space in the executive training
13 program is not available at a time that will allow completion of the
14 executive training program within six (6) months of the date the police
15 chief initially takes office, the police chief must successfully complete
16 the next available executive training program that is offered after the
17 police chief initially takes office.

18 (k) A police chief who fails to comply with subsection (j) may not
19 continue to serve as the police chief until completion of the executive
20 training program. For the purposes of this subsection and subsection
21 (j), "police chief" refers to:

22 (1) the police chief of any city;

23 (2) the police chief of any town having a metropolitan police
24 department; and

25 (3) the chief of a consolidated law enforcement department
26 established under IC 36-3-1-5.1.

27 A town marshal is not considered to be a police chief for these
28 purposes, but a town marshal may enroll in the executive training
29 program.

30 (l) A fire investigator in the division of fire and building safety
31 appointed after December 31, 1993, is required to comply with the
32 basic training standards established under this chapter.

33 (m) The board shall adopt rules under IC 4-22-2 to establish a
34 program to certify handgun safety courses, including courses offered
35 in the private sector, that meet standards approved by the board for
36 training probation officers in handgun safety as required by
37 IC 11-13-1-3.5(3).

38 (n) The board shall adopt rules under IC 4-22-2 to establish a

- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) worked as a full-time law enforcement officer for at least one
- 5 (1) year before the officer is hired under subdivision (1);
- 6 (3) has not been employed as a law enforcement officer for at
- 7 least two (2) years and less than ~~six (6)~~ **ten (10)** years before the
- 8 officer is hired under subdivision (1) due to the officer's
- 9 resignation or retirement; and
- 10 (4) completed **at any time** a basic training course certified by the
- 11 board before the officer is hired under subdivision (1).
- 12 (o) An officer to whom subsection (n) applies must successfully
- 13 complete the refresher course described in subsection (n) not later than
- 14 six (6) months after the officer's date of hire, or the officer loses the
- 15 officer's powers of:
- 16 (1) arrest;
- 17 (2) search; and
- 18 (3) seizure.
- 19 (p) A law enforcement officer who:
- 20 (1) has completed a basic training course certified by the board;
- 21 **and**
- 22 (2) has not been employed as a law enforcement officer in the ~~six~~
- 23 ~~(6)~~ **ten (10)** years before the officer is hired as a law enforcement
- 24 officer; **and**
- 25 **(3) has worked as a law enforcement officer for less than**
- 26 **twenty-five (25) years before being hired under subsection**
- 27 **(n)(1);**
- 28 is not eligible to attend the refresher course described in subsection (n)
- 29 and must repeat the full basic training course to regain law enforcement
- 30 powers. **However, a law enforcement officer who worked as a law**
- 31 **enforcement officer for at least twenty-five (25) years before being**
- 32 **hired under subsection (n)(1), and who otherwise satisfies the**
- 33 **requirement of subsection (n), is not required to repeat the full**
- 34 **basic training course to regain law enforcement power but shall**
- 35 **attend the refresher course described in subsection (n) and the**
- 36 **pre-basic training course established under subsection (f).**
- 37 (q) This subsection applies only to a gaming agent employed as a
- 38 law enforcement officer by the Indiana gaming commission. A gaming

agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(r) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

SECTION 2. IC 5-10-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. **(a) This section does not apply after June 30, 2008, to a participant who is an Indiana state conservation enforcement officer.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, every participant is required to retire on the first day of the month following the participant's sixtieth birthday.

~~(b)~~ **(c)** An officer who becomes a participant after becoming fifty (50) years of age is required to retire on the earlier of:

- (1) the first day of the month following the participant's sixty-fifth birthday; or
- (2) the first day of the month following the completion of ten (10) years of service.

SECTION 3. IC 5-10-5.5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. **(a) This section applies after June 30, 2008, to a participant who is an Indiana state conservation enforcement officer.**

(b) A participant is required to retire on the first day of the month after the month in which the participant becomes sixty-five (65) years of age.

SECTION 4. IC 5-10-5.5-12, AS AMENDED BY P.L.180-2007,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(a) of this chapter (relating to early retirement) shall be determined in accordance with section ~~10(a)~~ **10** of this chapter (relating to normal retirement). ~~However, For a participant who is not an Indiana state conservation enforcement officer,~~ the amount of annual retirement allowance otherwise payable upon early retirement shall be reduced by one-quarter percent (1/4%) for each full month that the date of early retirement precedes the attainment of the participant's sixtieth birthday. **For a participant who is an Indiana state conservation enforcement officer, the amount of annual retirement allowance otherwise payable upon early retirement shall be reduced by one-quarter percent (1/4%) for each full month that the date of early retirement precedes the attainment of the participant's sixty-fifth birthday.**

(b) The amount of annual retirement allowance payable in equal monthly installments to a participant who retires under section 11(b) or 11(c) of this chapter (relating to early retirement) shall be determined in accordance with section ~~10(a)~~ **10** of this chapter (relating to normal retirement).".

Page 4, line 29, after "(a)" insert **"As used in this section, "fund" refers to the fire protection territory fund established under section 8 of this chapter.**

(b)".

Page 4, line 32, delete "(b)" and insert "(c)".

Page 4, line 36, delete "(c)" and insert "(d)".

Page 5, after line 4, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2008] IC 5-10-5.5-9 and IC 5-10-5.5-12, both as amended by this act, and IC 5-10-5.5-9.5, as added by this act, apply only to a participant in the state excise police, gaming agent, and conservation enforcement officers' retirement fund who:

(1) is a conservation enforcement officer; and

(2) retires after June 30, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1105 as introduced.)

and when so amended that said bill do pass.

Representative Tinch